**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**O. O. C. J.**

SUMMONS FOR JUDGMENT NO.188 OF 2007
IN
SUMMARY SUIT NO.34 OF 2007

Bank of India. ...Plaintiff.
Vs.
Mayank A. Khandwala. ...Defendant.
....
Mr. O.A. Das for the Plaintiff.
None for the Defendant.
.....

**CORAM : DR.D.Y.CHANDRACHUD, J.**
4th June 2007.

**P.C.**:

The suit under Order 37 of the Code of Civil Procedure, 1908, has been instituted for the recovery of outstandings due and payable by the Defendant in pursuance of the Credit Card facility granted by the Plaintiff to the Defendant. The Defendant had availed of the Credit Card and an unpaid principal amount of Rs.20,375.38 was due and payable. An Advocate's notice was issued to the Defendant to which there was no reply. The terms and conditions governing the use of the facility provided for interest computed at the rate of 2.5% per month on the outstandings.

The Defendant has been served with the Writ of Summons and has entered appearance through an Advocate.

However, no reply has been filed to the Summons for Judgment. Counsel appearing on behalf of the Plaintiff undertakes to file an affidavit of service in respect of the Summons for Judgment within a period of one week from today. A compilation of the original Documents has been tendered and is taken on the record.

The Defendant having failed to file a reply to the Summons for Judgment, the Plaintiff will be entitled to a decree. The claim of the Plaintiff falls within the purview of Order 37 and has been duly proved on the basis of the documents placed on the record. In pursuance of the written contract between the parties, the Defendant was extended a Credit Card Facility. The Defendant availed of the facility and is liable to pay the outstandings together with interest. The suit shall accordingly stand decreed as prayed with the modification that the Plaintiff will be entitled to interest on the principal sum of Rs.20,375.38, at the rate of 12% per annum from the date of the suit, until payment or realisation.

The Summons for Judgment is accordingly disposed of.

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